

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON MOOMJY, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

HQ SUSTAINABLE MARITIME
INDUSTRIES, INC., NORBERT SPORNS
and JEAN-PIERRE DALLAIRE, *et al.*,

Defendants.

Case No. 2:11-cv-00726-RSL

CLASS ACTION

AMENDMENT TO STIPULATION OF
SETTLEMENT

Pursuant to stipulation by the undersigned, Paragraph 25 of the Stipulation of Settlement dated September 28, 2012 (the "Stipulation") is amended to read as follows:

25. If any funds remain in the Net Settlement Fund by reason of uncashed checks, or otherwise, after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution checks, then any balance remaining in the Net Settlement Fund six (6) months after the initial distribution of such funds shall be used: (a) first to pay any amounts mistakenly omitted from the initial distribution to Authorized Claimants or to pay any late, but otherwise valid and fully documented claims received after the cut-off date used to make the initial distribution, which were not previously authorized by the Court to be paid, provided that

such distributions to any late post-distribution claimants meet all of the other criteria for inclusion in the initial distribution; (b) second to pay any additional settlement administration fees and expenses, including those of Lead Counsel as may be approved by the Court; (c) third to make a second distribution to Authorized Claimants who cashed their checks from the initial distribution and who would receive at least \$10.00 from such second distribution, after payment of the estimated costs or fees to be incurred in making this second distribution and if Lead Counsel determines that such second distribution is economically feasible; and (d) finally, to be distributed to the Council of Institutional Investors, a nonprofit, nonpartisan 501(c)(6) association of pension funds and other organizations that advocates sound corporate governance and strong shareholder rights.

DATED this 30th day of October, 2012 COHEN MILSTEIN SELLERS & TOLL PLLC



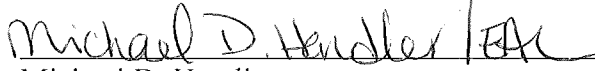
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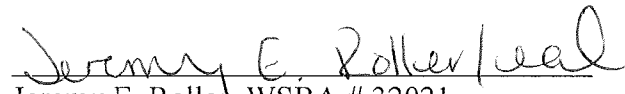
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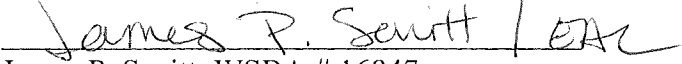
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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following ECF participants:

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